

Message Text

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ORIGIN L-03

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DRAFTED BY L/SFP:LGFIELDS,JR:NMC

APPROVED BY L/SFP:LGFIELDS,JR.

ARA/PPC: S. MOSKOWITZ (SUBST)

ARA/AND/B: R. PACE

S/NM: MR. CHESHES

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FM SECSTATE WASHDC

TO AMEMBASSY LA PAZ

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E.O. 11652: N/A

TAGS: CASC; BL.

SUBJECT: ANDERSON COLUMN ON U.S. PRISONERS IN BOLIVIA

REFS: (A) LA PAZ 2474; (B) STATE 56611

1. DEPT NOT SURPRISED AT BOLIVIAN PRESS REACTION TO
ANDERSON MARCH 19 COLUMN AND HOPES IT WILL NOT COMPLICATE
OR PREJUDICE PROMPT SOLUTION OF PROBLEM. REF B CONTAINED
ACCOUNT OF TELEPHONE CONTACT BETWEEN JACK ANDERSON AND
TEAM MEMBER FIELDS. SOME POST PUBLICATION COMMENT MIGHT
HELP TO CLARIFY SOME QUESTIONS RAISED IN REF A.

2. ANDERSON'S RESTRAINT IN COLUMN CAN BE SEEN IN HIS
FAILURE TO PUBLISH POTENTIALLY ADVERSE ACCOUNT OF

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FALCO-APARICIO CONVERSATIONS OR UNFAIR CHARACTERIZATIONS
OF APARICIO CONTAINED IN DRAFT MATERIAL READ TO FIELDS
OVER TELEPHONE. MOREOVER, DESPITE ONE REFERENCE TO HUMAN

RIGHS VIOLATION ERRONEOUSLY ATTRIBUTED TO TEAM MEMBER,
DOMINANT HUMAN RIGHTS THEME OF ARTICLE WAS MUTED IN PUB-
LICATION. NOTE THAT ANDERSON QUOTED FLAGRANT VIOLATION,

BUT NOT HUMAN RIGHTS IN FIRST ITEM DESIGNATED IN COLUMN TO BE CONTAINED IN TEAM'S ALLEGED DRAFT REPORT. ACTUALLY, FIELDS REFERRED TO "FLAGRANT VIOLATIONS OF DUE PROCESS

UNDER BOLIVIAN LAW IN HANDLING THESE CASES"--BUT MADE NO SUGGESTION THAT THAT CONSTITUTED HUMAN RIGHTS VIOLATION UNDER ACCEPTED NORMS OF INTERNATIONAL LAW. INDEED, BOLIVIAN LAW WAS APPLIED WITH EQUAL TARDINESS TO ALL NARCOTIC SUSPECTS, GIVEN THE JUDICIAL CONCERN FOR HARSH PROVISIONS OF OLD NARCOTICS LAW. FIELDS POINTED OUT THAT DISCRIMINATORY APPLICATION OF LAW WOULD CREATE A HUMAN RIGHTS ISSUE; HOWEVER, THE SUBTLETY OF THIS LEGAL NUANCE WAS APPARENTLY LOST ON ANDERSON. IT IS REGRETTED THAT A HUMAN RIGHTS PROBLEM WAS ATTRIBUTED TO TEAM, BUT ASSURANCES ARE GIVEN THAT, IF AND WHEN, THE REPORT IS COMPLETED NO SUCH ALLEGATION WILL BE MADE.

3. AS TO A REPORT, A ROUGH DRAFT IS UNDER REVIEW AND WILL BE DISCUSSED IN WASHINGTON ON APRIL 13 WHEN GORDON BALDWIN WILL BE IN TOWN. A REPORT IN FACTUAL NARRATIVE IS CONTEMPLATED WHICH COULD BE PUBLICLY CIRCULATED. IN CURRENT FORM IT IS CRITICAL OF INABILITY OF BOLIVIAN JUDICIARY TO ADHERE TO ITS OWN STATUTORY PROCESS. I WILL POINT OUT DEFICIENCIES OF PENAL FACILITIES AND PRACTICES AND SUGGEST STEPS RECOMMENDED IN LXIT INTERVIEW WITH AMBASSADOR TO REMEDY HIS IMMEDIATE AND PERSONAL PROBLEM FOR AMERICAN PRISONERS. A DRAFT OF REPORT WILL BE PROVIDED EMBASSY FOR COMMENT PRIOR TO PUBLICATION--AS PROMISED BY TEAM.

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4. FYI: AN ANDERSON ASSOCIATE, HAL BERNTON, (AUTHOR OF THE ORIGINAL ANDERSON COLUMN) IS CURRENTLY COLLABORATING WITH DOUG FOSTER (SON OF MR. AND MRS. DON FOSTER) ON A MAGAZINE ARTICLE ON THIS ISSUE. FOSTER PREVIOUSLY HAD WRITTEN WHAT WAS DESCRIBED AS "AN EXTREMELY INFLAMMATORY ARTICLE" WHICH WAS REJECTED BY SEVERAL PUBLISHERS. THE

BERNTON-FOSTER CONNECTION IS A MYSTERY TO DEPT; HOWEVER, THERE IS OBVIOUSLY A JOINT ARTICLE IN PREPARATION. PUBLICATION DATE OR MEDIUM IS UNKNOWN. IT IS HOPED IT WILL BE SOME TIME IN THE DISTANT FUTURE. THERE HAVE BEEN SEVERAL CONTACTS MADE TO DEPT OFFICIALS BY BERNTON AND AN ATTEMPT MADE TO CONTACT RETIRED AMBASSADOR SHELDON VANCE, WHO WAS OUT OF THE COUNTRY AT THE TIME. AS FURTHER INFORMATION IS DEVELOPED ON THIS PROJECTED ARTICLE, HE EMBASSY WILL BE KEPT ADVISED. END FYI

VANCE

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Message Attributes

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Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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